

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

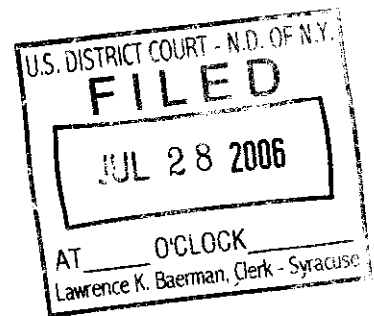
ENGINEERS JOINT WELFARE, PENSION, SUPPLEMENTAL  
UNEMPLOYMENT BENEFIT AND TRAINING FUNDS, by  
Daniel P. Harrigan, as Administrator; OPERATING ENGINEERS  
LOCAL 17 TRAINING FUND, by Frederick Eye, as  
Administrative Manager, CENTRAL PENSION FUND OF  
THE INTERNATIONAL UNION OF OPERATING  
ENGINEERS AND PARTICIPATING EMPLOYERS, by  
Michael R. Fanning, as Chief Executive Officer;  
INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL UNION NO. 17, by Mark N. Kirsh, as Business Manager

Plaintiffs,

- against -

D. LAND CONSTRUCTION CO., INC. and  
DADON LAND, Individually,

Defendants.



STIPULATION AND  
ORDER OF  
CONDITIONAL  
DISCONTINUANCE

Civil Action No.  
05-CV-1537  
(NAM/GHL)

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the undersigned counsel, on behalf of Plaintiffs, stipulates that the above captioned action shall be dismissed without prejudice to the Plaintiffs' right to reopen the case and proceed with entry of judgment pursuant to the Affidavit and Stipulation (Confession) for Entry of Judgment ("Stipulation") executed on April 11, 2006 by Defendant Dadon Land, individually and on behalf of Defendant D. Land Construction Co., Inc. In accordance with the Stipulation, neither Defendant is an infant or incompetent person.

Dated: July 26, 2006  
*26K*

BLITMAN & KING LLP

By: *Paul Kornfeld*

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IT IS ORDERED:

*Norman A. Mordue*  
Honorable Norman A. Mordue  
United States District Court Judge

*July 28, 2006*

(call HGL: D. Land - Dismissal)